

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 ) CASE NO. CR10-254-MJP  
Plaintiff, )  
 )  
v. )  
 ) DETENTION ORDER  
MICHAEL S. SMITH, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Offense charged: Conspiracy to Distribute Controlled Substances; Allegations of Forfeiture

Date of Detention Hearing: September 24, 2010

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense the maximum penalty of which is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both

dangerousness and flight risk, under 18 U.S.C. §3142(e).

2. Defendant has a lengthy criminal history with numerous failures to appear with resultant bench warrant activity. An active, extraditable warrant for failure to appear for arraignment in Whatcom County Superior Court is outstanding.

3. Defendant has limited ties to this district, an unstable residential history, substance abuse issues and mental health concerns. Defendant does not contest detention.

4. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States

01 Pretrial Services Officer.

02 DATED this 24th day of September, 2010.

03 

04 Mary Alice Theiler  
05 United States Magistrate Judge  
06  
07  
08  
09  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22